

**PATENT****REMARKS**

Claims 1-21 are currently pending in this application. Applicants have carefully reviewed the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

**Claim Rejections Under 35 U.S.C. §102**

Claims 1-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,881,192 (Park).

Park discloses a system that monitors a respiration-related parameter or an oxygen-related parameter to determine when a patient is experiencing a sleep apnea episode. See column 1, lines 56-60. Disclosed respiration-related parameters include respiration rate, tidal volume and minute ventilation which are measured using a minute ventilation sensor or and impedance measuring circuit. See column 9, lines 29-37 and figure 2. Disclosed oxygen-related parameters include O<sub>2</sub> saturation which is measured using an O<sub>2</sub> sensor. See column 11, lines 17-18 and figure 2. It is significant to note that the sensors employed by Park to detect sleep apnea do not sense cardiac electrical activity. Thus, Applicants disagree with the Examiner's interpretation of Park as teaching the use of cardiac electrical activity to differentiate between central sleep apnea and obstructive sleep apnea. See Office Action, page 3.<sup>1</sup> While Park does teach the sensing of cardiac electrical activity, such sensing is described within the context of typical implantable cardiac device pacing and defibrillation operations – not within the context of sleep apnea differentiation. See column 5, line 26 – column 6, line 14.

Each of independent claims 1, 8, 13 and 17 recite the use of cardiac electrical activity or IEGM signals to differentiate between central sleep apnea and obstructive sleep apnea or to classify the type of sleep apnea. Park does not disclose the use of cardiac electrical activity or signals for the same purpose claimed by Applicants. Accordingly, Applicants submit that Park does not anticipate the invention claimed in

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<sup>1</sup> A similar Interpretation of Park was applied in the rejections of dependent claims 6, 11 and 20. For the same reason presented above, Applicants believe these rejections are unsupported.

**PATENT**

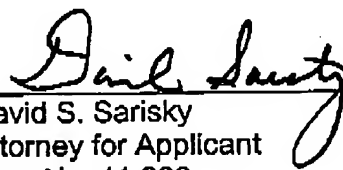
independent claims 1, 8, 13 and 17 and therefore request reconsideration of the §102 rejections of these claims and their respective dependent claims.

**CONCLUSION**

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, allowance of Applicants' claims 1-21 is believed to be in order.

Respectfully submitted,

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Date

  
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